

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JIN MING LIN, CHI WAI CHAO,)	
YOOK THAI CHEAH, MING F. FUNG,)	
MUOI GIANG, YUEN YUE SOOHOO,)	
and MEI ZHI,)	
)	
Plaintiffs,)	Civil Action No. 09-11510-GAO
v.)	
)	
CHINATOWN RESTAURANT CORP.,)	
and JOYCE P.Y. HAYES,)	
)	
Defendants.)	
)	

**PLAINTIFFS' MOTION IN LIMINE
TO PRECLUDE "GENEROUS" HOURLY RATE ARGUMENT**

Plaintiffs move this Honorable Court to preclude Defendants from arguing at trial either that plaintiffs received a fair hourly rate of pay or “generous” hourly rate of pay or that these workers were fortunate enough to have a job. This case is about whether Defendants paid Plaintiffs all their wages. This case is not about whether a \$12/hr or a \$15/hr rate of pay was “more than generous.”

Such evidence is irrelevant and prejudicial; thus, it should be excluded. These topics are irrelevant and only serve to improperly prejudice the jury for the argument that the higher-than-minimum-wage rate would or should somehow “offset” the unpaid wages.

Actual wage rates will be evidence solely for purpose of calculating damages; but any reference to Plaintiffs’ pay being above minimum wage should be prohibited.

RESPECTFULLY SUBMITTED,
For Plaintiffs
By their attorneys,

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Dated: October 19, 2012

CERTIFICATE OF SERVICE

I certify that on this day I caused a true copy of the above document to be served upon the attorney of record for all parties via CM/ECF.

Date: 10/19/2012 /s/Myong J. Joun
Myong J. Joun